



Queensland

# Duties Regulation 2023

## Subordinate Legislation 2023 No. 104

made under the

*Duties Act 2001*

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## **1 Short title**

This regulation may be cited as the *Duties Regulation 2023*.

## **2 Commencement**

This regulation commences on 2 September 2023.

## **3 Definitions**

The dictionary in schedule 6 defines particular words used in this regulation.

## **4 Declared public unit trust—Act, s 79**

- (1) For section 79 of the Act, each of the following unit trusts is declared to be a public unit trust—
  - (a) a unit trust mentioned in schedule 1, part 1;
  - (b) a unit trust mentioned in schedule 1, part 2, if the conditions mentioned in subsection (2) are satisfied for the trust.
- (2) For subsection (1)(b), the conditions are—
  - (a) the trust is established and continues for the direct or indirect investment of funds of investors approved by the Treasurer; and
  - (b) the trust—
    - (i) is not established or managed for a particular investor mentioned in paragraph (a); or
    - (ii) if the trust is established or managed for a particular investor mentioned in paragraph (a)—has been approved by the Treasurer as eligible to be declared as a public unit trust; and
  - (c) the Queensland Investment Corporation, or a company wholly owned by the corporation, is the trustee for the trust.

- (3) However, the Treasurer may approve a trust under subsection (2)(b)(ii) only if the Treasurer is satisfied the investor for whom the trust is established or managed has a sufficient connection with the State.

## **5 Concessions and exemptions for transfer duty—ELN transfers and ELN lodgements**

- (1) Each of the concessions for transfer duty mentioned in a provision of the Act stated in schedule 2, part 1 is a concession for transfer duty for an ELN transfer or ELN lodgement.
- (2) Each of the exemptions for transfer duty mentioned in a provision of an Act stated in schedule 2, part 2 is an exemption for transfer duty for an ELN lodgement.

## **6 Duty payable on travel insurance—Act, s 349**

For section 349(2)(a)(i) of the Act, duty is payable on 10% of the premium received, for a travel policy mentioned in schedule 3, item 43(a), for travel outbound from Australia, including baggage.

## **7 Apportionment of premiums—Act, s 366**

- (1) For section 366 of the Act, a premium for insurance is to be apportioned—
  - (a) for a class of insurance stated in schedule 3, column 1—in the way stated opposite the class in column 2 of the schedule; and
  - (b) for a banker’s blanket policy—by apportioning each class of insurance covered by the policy in the way the class is apportioned under paragraph (a); and
  - (c) for an umbrella excess of loss policy—in the way the predominating class of insurance covered by the policy is apportioned under paragraph (a).

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- (2) In a provision in schedule 3, unless a contrary intention appears in the provision, a reference to a person or thing is a reference to the person or thing covered by the insurance.
- (3) In this section—  
*predominating class of insurance* means the class of insurance that attracts the highest net premium.

## **8 Activities for prescribed business**

An activity, or a combination of any 2 or more activities, stated in schedule 4 is prescribed for schedule 6 of the Act, definition *prescribed business*.

## **9 Recognised stock exchange**

Each of the following stock exchanges is prescribed for schedule 6 of the Act, definition *recognised stock exchange*, paragraph (b)—

- (a) the Sydney Stock Exchange Limited ACN 080 399 220;
- (b) the National Stock Exchange of Australia Limited ACN 000 902 063;
- (c) the New Zealand Exchange Limited;
- (d) the London Stock Exchange plc;
- (e) Euronext N.V.;
- (f) a stock exchange that is a member of the World Federation of Exchanges.

## **10 Fees**

The fees payable under the Act are stated in schedule 5.

## **11 Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.

- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded down to the nearest multiple of 5 cents.

*Example—*

Schedule 5, item 1(b) provides for a fee of 1.80 fee units. If the value of a fee unit for this regulation were \$1.025, the number of dollars obtained by multiplying \$1.025 by 1.80 would be \$1.845. After rounding down, the amount of the fee would be \$1.80.

## **Schedule 1      Declared public unit trusts**

section 4

### **Part 1                      Unit trusts existing before 22 July 1994**

- 1    A unit trust that existed before 22 July 1994 for which the Queensland Investment Corporation is the trustee

### **Part 2                      Unit trusts created on or after 22 July 1994**

- 1    A unit trust—
  - (a)    that is established and continues for making investments for the purpose of the Queensland Future (Debt Retirement) Fund established under the *Queensland Future Fund Act 2020*; and
  - (b)    all of the units in which are held, directly or indirectly, by a government entity or government owned corporation
- 2    QIC Cash Enhanced Fund
- 3    QIC Infrastructure Portfolio No. 1 Trust
- 4    QIC Infrastructure Portfolio No. 2 Trust
- 5    QIC Long Term Diversified Fund
- 6    QIC Office Property Fund
- 7    QIC Private Equity Fund No. 2
- 8    QIC Private Equity Fund No. 3
- 9    QIC Private Equity Fund No. 5
- 10   QIC Registry Trust

11 QIC Retail (No. 2) Fund

## **Schedule 2      Concessions and exemptions for transfer duty—ELN transfers and ELN lodgements**

section 5

### **Part 1                      Concessions for transfer duty—ELN transfers and ELN lodgements**

- section 91
- section 92
- section 105
- section 105A

### **Part 2                      Exemptions for transfer duty—ELN lodgements**

- 1 the Act
  - section 117
  - section 124
  - section 125
  - section 130A
  - section 130B
  - section 136
  - section 143
  - section 145
  - section 147



- section 149
  - section 151
  - section 152
  - section 424
  - section 426
  - section 429
  - section 430(b)
  - section 430(c)
  - section 431A
- 2 *Family Law Act 1975 (Cwlth)*
- section 90
  - section 90L
  - section 90WA

## Schedule 3      Apportionment of premiums

section 7

	<b>Class of insurance</b>	<b>Way apportioned</b>
1	Aviation non-ownership liability	State in which the insured person resides
2	Aviation hull, aviation hull third party property liability and aviation hull personal liability—	
	(a) high capacity regular public transport aircraft	Number of take-offs and landings in the previous year in each State for all aircraft covered by the policy (whether operated by the insured person or by a subsidiary)
	(b) another aircraft	State in which the aircraft is usually located or stored in a hangar (whether operated by the insured person or by a subsidiary)
3	Bloodstock	State in which the bloodstock is usually located
4	Boiler explosion	Value of property or sum insured or exposure level for each State
5	Burglary	Value of property or sum insured or exposure level for each State
6	Business interruption	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State

	<b>Class of insurance</b>	<b>Way apportioned</b>
7	Care, custody and control of bloodstock	State in which the bloodstock is usually located
8	Cash in transit	Number of premises or value of property or sum insured or exposure level for each State
9	Company reimbursement	Estimated salaries and wages or number of persons working in each State
10	Comprehensive crime policy	Estimated salaries and wages or number of persons working in each State
11	Contract works	Value of property or sum insured or exposure level for each State
12	Contractors risk	Value of property or sum insured or exposure level for each State
13	Crop	Value of property or sum insured or exposure level for each State
14	Deterioration of stock	Value of property or sum insured or exposure level for each State
15	Directors and officers	Estimated turnover, sales or number of persons working in each State
16	Disability—	
	(a) individual	State in which the business is registered or State in which the insured person resides

	<b>Class of insurance</b>	<b>Way apportioned</b>
	(b) group	State in which the business is registered or State in which the insured person resides
17	Fidelity guarantee	Estimated salaries and wages or number of persons working in each State
18	Fire	Value of property or sum insured or exposure level for each State
19	General property	Value of property or sum insured or exposure level for each State
20	Home building and contents	Value of property or sum insured or exposure level for each State
21	Industrial special risk—	
	(a) property	Value of property or sum insured or exposure level for each State
	(b) consequential loss	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State
22	Legal expense insurance	Estimated salaries and wages or number of persons working in each State
23	Livestock	State in which the livestock is usually located
24	Loss of profits	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State

	<b>Class of insurance</b>	<b>Way apportioned</b>
25	Machinery breakdown (including computers and engineering)	Value of property or sum insured or limit of liability declared for each State
26	Marine—	
	(a) builders risk	Value of property or sum insured or exposure level for each State
	(b) carriers legal liability, charterers liability and hull liability for coastal and international shipping	State which is the predominant location of the vessel
	(c) private pleasure craft	State in which the vessel is registered or State in which the insured person resides
27	Medical indemnity	Subscriptions paid in each State
28	Money	Number of premises or value of property or sum insured or exposure level for each State
29	Mortgage insurance—	
	(a) if security consists of 2 or more properties located in different States	Value of property located in each State
	(b) otherwise	State in which the property is usually located
30	Motor vehicle, including extended warranty insurance—	
	(a) commercial motor vehicle	State in which vehicle is registered or taken to be registered
	(b) private use motor vehicle	State in which vehicle is usually located or stored in a garage

	<b>Class of insurance</b>	<b>Way apportioned</b>
	(c) federal interstate motor vehicle	State in which vehicle is registered or taken to be registered
	(d) unregistered motor vehicle	State in which vehicle is usually located or stored in a garage
31	Non-appearance—entertainment industry	Ticket sales in each State
32	Occupational—professional indemnity	Estimated salaries and wages, or number of persons working, in each State or reasonably estimated profit revenue, fees or rent for each State
33	Personal accident and illness—	
	(a) individual	State in which the business is registered or State in which the insured person resides
	(b) group	State in which the business is registered or State in which the insured person resides
34	Personal liability—	
	(a) individual	State in which the insured person resides
	(b) business	State in which the business is registered
35	Personal property	Value of property or sum insured or exposure level for each State
36	Pluvius	Value of property or sum insured or exposure level for each State

	<b>Class of insurance</b>	<b>Way apportioned</b>
37	Public liability, product liability or broadform	Estimated salaries and wages, or number of persons working, in each State or floor area units, turnover or sales, number of premises or rent for each State
38	Railway property or public liability	Number of kilometres travelled by the rolling stock in each State in the 12-month period immediately before the insurance policy's inception or renewal
39	Sprinkler leakage	Value of property or sum insured or exposure level for each State
40	Strata unit	Value of property or sum insured or exposure level for each State
41	Title insurance	State in which the property is located
42	Trade credit policies	Estimated turnover or sales in each State
43	Travel—	
	(a) outbound from Australia, including baggage—	
	(i) individual	State in which the insured person resides
	(ii) business	State in which the business is registered
	(b) within Australia—	
	(i) individual	State in which the insured person resides

**Class of insurance**

(ii) business

**Way apportioned**

State in which the business is registered



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## **Schedule 4      Activities for prescribed business**

### section 8

- 1    Excavating and earthmoving
- 2    Framing pictures
- 3    Gunsmithing
- 4    Locksmithing
- 5    Manufacturing, processing and packaging
- 6    Operating any of the following—
  - (a)   a beauty salon or barber shop;
  - (b)   a bus service;
  - (c)   a cinema;
  - (d)   a crematorium;
  - (e)   an engineering workshop;
  - (f)   a laundry or laundrette;
  - (g)   a newsagency, travel agency or real estate agency;
  - (h)   a repair and service workshop;
  - (i)   a rental business;
  - (j)   a restaurant or cafe;
  - (k)   a service station;
  - (l)   a sports complex or gymnasium;
  - (m)   a warehouse or bulk storage complex
- 7    Operating as an undertaker or a funeral director
- 8    Printing and publishing
- 9    Repairing boots and shoes

- 10 Retailing and wholesaling, whether or not involving repairing or installing goods sold
- 11 Upholstering

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## Schedule 5      Fees

### section 10

	<b>Fee units</b>
1    Fee payable to the commissioner for returning, by post, an instrument or statement lodged for assessment—	
(a) first instrument or statement	5.45
(b) each additional instrument or statement, including a copy	1.80
2    Fee for instrument lodged on which duty is not imposed (Act, s 495(3))	42.70

## Schedule 6 Dictionary

### section 3

***exposure level*** means the maximum possible monetary risk to the insurer if the insurer agrees to indemnify an insured person under an insurance contract.

***federal interstate motor vehicle*** means a motor vehicle registered under the repealed *Interstate Road Transport Act 1985* (Cwlth).

***high capacity regular public transport aircraft***, for schedule 3, item 2(a), means an aircraft employed in regular public transport operations under the *Civil Aviation Regulations 1988* (Cwlth), whose certificate of type approval under those regulations permits the aircraft to have—

- (a) a maximum seating capacity of more than 38 seats; or
- (b) a capacity to carry a maximum payload of more than 4,200kg.

***limit of liability declared*** means the maximum amount, mentioned in an insurance contract, payable to an insured person under the insurance contract.

***predominant location***, for a vessel mentioned in schedule 3, item 26(b), means—

- (a) if the insured person has disclosed to the insurer that the vessel will operate from its port of registration for the insurance year—the port of registration for that insurance year; or
- (b) if the insured person has disclosed to the insurer that the vessel will operate from more than 1 port during the insurance year—the port from which it will operate for most of that insurance year; or
- (c) if the insured person has disclosed to the insurer that the vessel will operate from more than 1 port during the insurance year but no port can be identified as the port

from which the vessel will operate for most of the insurance year—the vessel’s port of registration for that insurance year.

***Queensland Investment Corporation*** means the Queensland Investment Corporation established under the *Queensland Investment Corporation Act 1991*.

ENDNOTES

- 1 Made by the Governor in Council on 17 August 2023.
- 2 Notified on the Queensland legislation website on 18 August 2023.
- 3 The administering agency is Queensland Treasury.

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